

INITIATIVE 662

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 662 to the People is a true and correct copy as it was received by this office.

INITIATIVE MEASURE NO. 662

AN ACT Relating to the Office of State Inspector General; adding a new chapter to Title 43 RCW; reenacting and amending RCW 43.17.010; amending RCW 43.17.020; and adding a new section to chapter 41.06 RCW.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. It is the purpose of this chapter to create a new agency to investigate complaints of malfeasance or abuse by government agencies or public employees, and to investigate and enforce fair and ethical practices by licensees doing business in the State.

The Office of State Inspector General shall work with State Auditors in investigating complaints thoroughly and conscientiously, and shall be authorized to enlist the assistance of volunteers from the public sector, to act as interns in preliminary inquiries, to ease the investigative caseload.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout the chapter.

(1) "Director" means the director of the Office of State Inspector General.

1 (2) "Office" means the Office of State Inspector General.
2 (3) "fair and ethical practices" means that which does not cheat
3 nor injure others.
4 (4) "fairness and common sense" means that with which reasonable
5 minds would concur and agree.

6 **NEW SECTION.** Sec. 3. There is created a department of state
7 government to be known as the Office of State Inspector General. The
8 Office is vested with all powers and duties as are authorized by law.

9 **NEW SECTION.** Sec. 4. The Office of State Inspector General shall
10 be financed by the State General Fund, and augmented by any federal
11 programs for which it qualifies.

12 **NEW SECTION.** Sec. 5. The executive head and appointing authority
13 of the Office shall be the Director. The Director shall be appointed
14 by the Governor, with the consent of the Senate, after demonstrating an
15 unwavering commitment to upholding the rights of the people under the
16 state and federal Constitutions, and to uncovering abuse in any
17 quarter. The Director shall be paid a salary fixed by the Governor in
18 accordance with RCW 43.03.040, and shall be limited to one five-year
19 term in office.

20 **NEW SECTION.** Sec. 6. Exercising supervisory powers over the
21 Office, the Director may create such administrative structures, and
22 employ such assistants and personnel as are deemed necessary for the
23 general administration of the Office. This employment shall be in
24 accordance with State Civil Service law, Chapter 41.06 RCW, except as
25 otherwise provided. The Director may also enlist the assistance of
26 qualified volunteers from the public sector, as provided by State
27 internship codes.

28 **NEW SECTION.** Sec. 7. The Director shall appoint a deputy
29 director, an office personnel director, and such assistant directors as
30 may be needed to administer the Office. The deputy director shall have
31 charge and general supervision of the Office in the absence or
32 disability of the Director and, in case of vacancy in the office, the
33 deputy director shall continue in charge of the Office until a

1 successor is qualified and appointed, or until the Governor appoints an
2 acting Director.

3 **NEW SECTION.** Sec. 8. The Director may appoint state-wide
4 committees or councils on such matters as come within the Office's
5 responsibilities. The Director may also appoint such committees and
6 councils as may be required by federal legislation as a condition to
7 the receipt of federal funds by the Office. These committees and
8 councils shall have substantial consumer representation, and members of
9 such advisory councils or committees may be paid their travel expenses
10 in accordance with RCW 43.03.050 and RCW 43.03.060.

11 **NEW SECTION.** Sec. 9. It is not the intent of this Act to
12 establish any sort of State "super police", and under no circumstances
13 shall this agency exercise any police powers over the general populace.
14 Rather, it is intended that the Office of State Inspector General shall
15 be the People's Advocate in guarding against abuse or exploitation from
16 any quarter. Recognizing that maintaining the integrity of this agency
17 is critical, it shall remain independent of political or capital
18 interests, and care shall be taken to prevent any undue influence or
19 control of this agency by bar or police organizations, or any vested
20 interests who themselves might be subject to scrutiny by this agency.
21 The Director shall be responsible for the official acts of any
22 appointees in the Office, and shall appoint only those individuals of
23 the highest integrity and motivation. Any unfounded abuse, neglect of
24 duty, or betrayal of the public trust by any participants in this
25 agency shall be grounds for immediate dismissal and/or criminal
26 prosecution under RCW 43.01.125, and any other applicable statutes. In
27 any event, appointees of this agency shall be subject to recall for
28 cause by an educated and informed electorate; Provided, that any
29 unfounded or libelous reports designed to merely threaten, harass,
30 harangue or intimidate any appointee of this agency shall be construed
31 as media assault, punishable as a felony. In all cases, any reports
32 against this agency shall entitle the Office to equal time or space to
33 rebut the allegations.

34 **NEW SECTION.** Sec. 10. The concept of checks and balances being
35 crucial to the just and orderly functioning of a democracy which serves
36 it's people, judicial performance shall *not* be exempt from review and

1 censure by this agency. Any certifiable finding of flagrant judicial
2 improprieties, such as bias which constitutes any form of obstruction
3 of justice, or decisions reflecting other than fairness and common
4 sense, shall be conveyed to appropriate authorities with
5 recommendations for either censure or removal from office. While
6 having authority to recommend fining, firing or jailing any public
7 employee for gross malfeasance in office, this authority shall not
8 extend to federal employees operating in the state, except to notify
9 the appropriate federal authorities of the investigative findings. If
10 violations persist by federal employees after such notification, the
11 Office may, either on it's own behalf, or with the assistance of the
12 Attorney General, institute suit against the appropriate federal agency
13 to correct the wrongdoing. In all events, investigations of justice
14 personnel at any level shall be separate and independent of any
15 investigations conducted in-house by factions representing their own.
16 In cases of malfeasance or abuse by commercial entities, or anyone else
17 doing business in the State, the Office may work with the Department of
18 Licensing, or any other relevant agency, to order restitution and
19 otherwise enforce compliance in correcting deficiencies or wrongdoings.

20 **NEW SECTION.** Sec. 11. The Office of State Inspector General may,
21 at it's own election, forward proposed legislations towards addressing
22 any widespread violations it finds. The public shall be notified by
23 publication of any such proposed legislations by this agency and, where
24 practical, shall be afforded opportunities to register well-founded
25 views on each. In cases of proposed legislations being forwarded the
26 Office will also publish the legislative results on the proposed
27 legislations. The Office may also, at it's elction, publish a daily
28 roster of bills currently under consideration in the legislature, the
29 and rationale for each, and any commentary it wishes to include.

30 **NEW SECTION.** Sec. 12. Anyone aggrieved by any act or decision by
31 this agency may appeal to any federal agency having monitoring
32 jurisdiction over state agencies; Provided, that they post any appeal
33 bond required by federal laws pertinent to the filing of such appeals.

34 **NEW SECTION.** Sec. 13. It shall be unlawful for anyone to
35 retaliate against any complainant filing a grievance with this agency.
36 The Office may, at it's discretion, accept anonymous complaints, and

1 shall observe confidentiality of complainants upon declaration of
2 awkwardness or disadvantage through filing such complaint. It being
3 conceivable that frivolous, deceitful or malicious complaints might be
4 filed by petty or troublesome individuals merely for the sake of
5 harassment or obstruction, the Office shall, at it's discretion, have
6 authority to require a bond from suspect complainants to proceed with
7 an investigation, or ask that that they submit to polygraph
8 examinations to verify their allegations of wrongdoing. Obviously
9 frivolous complaints filed shall be prosecutable under harassment
10 statutes.

11 **NEW SECTION.** Sec. 14. A new section is added to chapter 41.06 RCW
12 as follows: The Civil Service provisions of this chapter shall not
13 apply in the Office of State Inspector General to the director, the
14 deputy director, all assistant and division directors, and one
15 confidential secretary for each of these officers.

16 **NEW SECTION.** Sec. 15. RCW 43.17.010 and 1993 sp.s c 2 a 16, 1993
17 c 472 s 17, and 1993 c 280 a 18 are reenacted and amended to read as
18 follows:

19 There shall be departments of the state government which shall be
20 known as: "...and (16) the Office of State Inspector General".

21 **NEW SECTION.** Sec. 16. RCW 43.17.020 and 1995 1se sp.s c 2 s 2 are
22 each each amended to read as follows: There shall be a chief executive
23 officer of each department to be known as: "...and (16) the Director
24 of the Office of State Inspector General".

25 **NEW SECTION.** Sec. 17. Sections 1 through 14 of this Act
26 constitute a new chapter in Title 43 RCW. If any stipulation of this
27 Initiative is found to be invalid, the rest shall remain in effect for
28 purposes of establishing this new department.

29 **NEW SECTION.** Section. 18. This act is necessary for the immediate
30 preservation of the public peace, safety and welfare, and support of
31 the state government and it's existing institutions, and shall take
32 effect immediately.

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